

ONTARIO LEGISLATURE.

THIRD PARLIAMENT—FOURTH SESSION.

LEGISLATIVE ASSEMBLY,

TORONTO, 14th Feb., 1879.

The Speaker took the chair at three o'clock.

Prayers were read by Rev. Mr. Silcox.

The following petitions were presented:—

PETITIONS.

By Mr. Graham—From James McLean and others, of Lambton, for certain amendments to the Municipal Act respecting the market tax on farm produce.

By Mr. White—From the Village Council of Belle River, for certain amendments to the Municipal Act respecting the enforcement of statute labour.

By Mr. Paxton—From the Township Council of Scugog, that the Bill before the House respecting the draining of marsh lands in Lake Scugog may not pass.

By Mr. Currie—From the Reform Association of Welland, for certain amendments to the License Act with respect to the number of licenses.

By Mr. Sinclair—From the County Council of Bruce, praying for amendments to the School Act respecting the duration of the summer vacations.

Six Orange petitions by Messrs. Tooley and Barr.

REPORTS OF COMMITTEES.

Mr. CROOKS presented the 8th report of the Committee on Railways, which was adopted.

Mr. FRASER presented the 10th report of the Committee on Private Bills, which was adopted.

THIRD READING.

The following Bill was read a third time and passed:—

To extend the limits of the town of Walkerton.—Mr. Sinclair.

INTRODUCTION OF BILLS.

The following Bills were introduced and read a first time:—

To provide for the prevention of the spread of black knot on plum trees.—Mr. Creighton.

To provide for the limitation of actions.—Mr. Mowat.

Respecting the registration of deaths.—Mr. Mowat.

Mr. MOWAT explained that the law at present provided that the clergyman attending a funeral should furnish the Registrar with the particulars of the death. Experience had shown that this was sometimes an unjust demand to make of such clergyman. The Bill now submitted provided that he should inform the Registrar of the death, and leave that officer to see that proper registration was made.

COMMON GAOLS.

Mr. BAXTER asked whether it is the intention of the Government to introduce during the present session any measure (following the example of England) for the purpose of assuming the entire management and control of the common gaols of the Province, as recommended by the Inspector of Asylums and Prisons in his report of the last year.

Mr. MOWAT replied in the negative.

RETURN.

Mr. CURRIE moved for an order of the House, "That the Accountant do furnish a return within five days of the names and rate of pay of each sessional clerk and messenger employed during the session of this Legislature in 1873, and the names and places of residence and rate of pay of all sessional clerks and messengers employed at the present session, designating such persons as are employed this session for the first time."

Mr. MEREDITH said that he had learned that a gentleman had been given employment during the last few weeks of last session, and had been paid for a whole session's work. If this were a fact the system it indicated was a mischievous one. He supported the resolution.

The motion was carried.

MIMICO FARM.

Mr. WHITE moved for an order of the House for a return showing the original cost of the Model Farm at Mimico, the amount of land still remaining unsold, with the names of the tenants and the terms of their tenancy.

The motion was carried.

MASTER AND SERVANT ACT.

Mr. MEREDITH moved for an order of the House for a return from the several counties in the Province, showing the number of appeals during the last two years to the General Sessions from convictions or orders under the Master and Servant Act, or any other Act of the Legislature of Ontario, under which there is an appeal to the said Sessions; the amount of the fine and costs or sum ordered to be paid by the convicting Justice in each case; the cost incurred in the General Sessions in each case, and the nature of the order or conviction appealed from. He explained that in the county of Middlesex three cases had recently come under his notice, in which parties were sued under this Act for \$2, \$4, and \$6 respectively. Appeal had been allowed from the Magistrates to the General Sessions, and the time of the Court and jury for two days had been occupied with them. Thus for such trivial amounts costs of from \$30 to \$40 in each case had been incurred. He did not know that the attention of the leader of the Government had been called to the matter before. No doubt he would see the need of a change.

Mr. MOWAT had never before had his attention called to the matter, and the law was one outside of his own Department. If the case was as stated by his hon. friend, it certainly required attention.

Mr. SCOTT drew attention to the fact also that in certain cases witnesses were prevented from giving evidence in the trial in appeal because they had not appeared before the lower Court at the first hearing of the case, and he thought this also should receive consideration at the hands of the Government.

Mr. CLARKE (Norfolk) thought it would be well to include in the return a statement of all appeals made to the Superior Courts as well. He observed that in very few cases were the decisions of the Magistrates reversed on appeal, and he thought that the heavy expense entailed upon the country by appeals might be avoided.

Mr. MEREDITH said if appeals were allowed at all they might be made to the Division Courts, or jurisdiction over these Courts might be given to the Division Courts in the first instance.

Mr. MOWAT asked that the suggestion of his hon. friend from Norfolk should assume the form of a separate motion, with notice to be given in regular course. This was agreed to.

The motion was carried.

COMMISSIONERS.

Mr. CURRIE moved the second reading of the Bill respecting Commissioners for taking affidavits and affirmations. He explained that the Bill proposed to enable Commissioners to take affidavits in other counties than that in which they lived, and to make some changes in the method of their appointment.

Mr. MOWAT said that the Bill went too far in its provisions. He did not think it expedient that the method of appointing Commissioners should be changed, as the result of the present system was that the best men available were selected. An objection to allowing a Commissioner to take affidavits out of the county for which he was appointed was that a person of inferior attainments who had been appointed in a remote district where properly qualified men were not to be obtained would, on removing into a more settled part of the country, retain his power of acting as Commissioner. He thought no further legislation was needed, as the existing law did not require a Commissioner to reside in the county for which he was appointed. The rule, of course, was that he should do so, but it occasionally happened that the appointment was made in one county of a Commissioner who, though living in another, resided near the border, and where it was convenient that he should be enabled to act in both counties. A suggestion had been made, in which he quite concurred, that attorneys and solicitors should be al-